IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7681 OF 2005

State of Maharashtra .. Applicant
Versus
Narendra Chunilal Soni & Anr. .. Respondents

Ms.M.M.Deshmukh, A.P.P. for applicant
Mr.H.R.Desai for respondent No.1 & 2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th September 2006.

P.C.

. Heard Ms.Deshmukh, A.P.P. for applicant - State and Mr.Desai for respondent Nos. 1 and 2.

2. Application is for cancellation of pre-arrest bail. The grievance of A.P.P. is that this Court has imposed conditions to furnish

surety in the sum of Rs.1 lakh for being enlarged on bail in the event of an arrest. Such surety was not furnished and the applicant, therefore, continued to be at large. This is gross abuse and misuse of the protection granted by this Court. Such an applicant does not deserve to be protected and the request is to cancel the order passed by this Court enlarging him on pre-arrest bail.

3. Alternatively, she submits that the applicant has furnished surety after service of the application for cancellation of bail and such conduct be viewed with seriousness and deserves to be depricated strongly. She therefore, prays for imposition of cost.

4. Mr.Desai does not dispute that the surety bond was furnished after the application for cancellation for bail was served. However, he submits that the charge sheet is filed and no

useful purpose will be served by taking the applicant into custody. More so, when he has reported during the pendency of this application as well.

5. In such circumstances, present application is disposed of. By directing that the respondents shall pay to the State of Maharashtra costs quantified at Rsd.5000/-. It is only because of the fact that the charge sheet is now filed and that the applicant has not been arrested that I am not inclined to consider the prayer for cancellation. However, such refusal should not be construed as putting a premium on the conduct of respondent Nos. 1 and 2, which deserves to be deprecated. Copy of the report submitted by L.T.Road Police Station is placed on record. Costs to be paid within one week from today.

(S.C.Dharmadhikari, J)